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9
10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**

12 RICKIE SLAUGHTER,
13 Plaintiff,
14 vs.
15 ESCAMILLA, et al.,
16 Defendant.

Case No. 3:16-cv-00457-MMD-WGC
**ORDER GRANTING
DEFENDANTS' MOTION FOR
ENLARGEMENT OF TIME TO RESPOND
TO PLAINTIFF'S SECOND MOTION FOR
SANCTIONS AGAINST DEFENDANT
ESCAMILLA**

17 Defendants, Shane Escamilla, Stephen Mollet, Sandra Rose-Thayer, and Melissa Travis, by and
18 through counsel, Adam Paul Laxalt, Attorney General of the State of Nevada, and Benjamin R.
19 Johnson, Deputy Attorney General, do hereby move this Court for an enlargement of time to file their
20 response to Plaintiff's 2nd Motion for Sanctions Against Defendant Escamilla (ECF No. 68). This
21 Motion is based on the following Memorandum of Points and Authorities and all papers and pleadings
22 on file herein.

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION AND RELEVANT PROCEDURAL HISTORY**

3 On July 2, 2018, Plaintiff filed his Second Motion for Sanctions Against Defendant Escamilla.
4 (ECF No. 68). Counsel has been working on an opposition and needs to confer with Defendant Escamilla
5 on some supplemental discovery responses. Defendants request a small enlargement of time, up to and
6 including, July 20, 2018, in order to solve any disparities, amend discovery responses if needed and to
7 submit a response to the motion to compel.

8 FED. R. CIV. P. 6(b)(1) governs enlargements of time and provides as follows:

9 When an act may or must be done within a specified time, the court may,
10 for good cause, extend the time: (A) with or without motion or notice if
11 the court acts, or if a request is made, before the original time or its
extension expires; or (B) on motion made after the time has expired if the
party failed to act because of excusable neglect.

12 The proper procedure, when additional time for any purpose is needed, is to present a request
13 for extension of time before the time fixed has expired. *Canup v. Mississippi Val. Barge Line Co.*, 31
14 F.R.D. 282 (W.D.Pa. 1962). Extensions of time may always be asked for, and usually are granted on a
15 showing of good cause if timely made under subdivision (b)(1) of the Rule. *Creedon v. Taubman*, 8
16 F.R.D. 268 (N.D. Ohio 1947).

17 Counsel requests an enlargement of time, up to and including July 20, 2018, to file an
18 opposition to the Motion for Sanctions. Counsel needs additional time to confer with Defendant
19 Escamilla regarding the disparity in discovery responses and to amend accordingly. Plaintiff will not
20 be prejudiced by a small enlargement of time. Good cause exists to extend the time to file this motion
21 and the request is not made to delay or for any improper purpose.

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1 **II. CONCLUSION**

2 Based on the foregoing, Defendants respectfully request their motion for enlargement of time is
3 granted and the deadline for filing an opposition to the second motion for sanctions be extended to July
4 20, 2018.

5 DATED this 16th day of July, 2018.

6 ADAM PAUL LAXALT
7 Attorney General

8 By: 
9 BENJAMIN R. JOHNSON
10 Deputy Attorney General
11 State of Nevada
12 Bureau of Litigation
13 Public Safety Division

14 *Attorneys for Defendants*

15 **APPROVED AND SO ORDERED:**

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17 **U.S. MAGISTRATE JUDGE**

18 **DATED: July 17, 2018**